

DL. September
17. 6, 2022

F.M.A. 1755 of 2014

Swapan Kumar Datta & ors.

Vs.

M/s. Sk. Kombor Ali & Sons & ors.

The appellants are not represented, nor any accommodation is prayed on their behalf. However, we propose to decide the question of admission of the appeal on the basis of the materials available on record.

The present appeal has arisen out of an order dated April 3, 2014 passed by the learned Judge, Sixth Bench, City Civil Court at Calcutta, in Title Suit No. 1357 of 2013 in connection with an application filed by the plaintiff/respondent no. 1 under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure and an application filed by the defendants no. 1 to 3/appellants under Order XXXIX Rule 4 of the Code.

The plaintiff/respondent no. 1 claims to be a tenant in respect of the suit premises. The order of injunction was to the effect that the respondents/landlords would not forcibly dispossessed the plaintiff from the suit premises.

It is elementary that no one can be dispossessed without due process of law. The apprehension expressed was found to be genuine and, as such, the order of injunction was passed.

On such consideration, we do not find any reason to interfere with the order passed by the trial court.

The appeal is, therefore, summarily dismissed under

Order XLI Rule 11 of the Code of Civil Procedure.

However, the learned trial judge is directed to dispose of the suit being Title Suit No. 1357 of 2013, if the same remains still pending, as expeditiously as possible, preferably within a period of one year from the date of communication of this order without granting any unnecessary adjournment to either of the parties.

In view of dismissal of the appeal, nothing remains to be decided in the application for stay filed under CAN 5279 of 2014 and the same is also dismissed.

There will be no order as to costs.

The learned Registrar Administration (L & OM) of this court is requested to see that this order shall be communicated to the trial court within a period of two weeks from date.

dns

(Soumen Sen, J.)

(Uday Kumar, J.)